

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**05 11329 RWZ** CIVIL ACTION NO.

\*\*\*\*\*

**CTC COMMUNICATIONS CORP.,**

\*

**Plaintiff(s)**

MAGISTRATE JUDGE Sorrell

vs.

\*

COMPLAINT

**BROCKINGTON SECURITIES, INC.,**

\*

**Defendant(s)**

\*

\*\*\*\*\*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASS.

RECEIPT #	<u>65203</u>
AMOUNT \$	<u>150</u>
SUMMONS ISSUED	<u>YES</u>
LOCAL RULE 4.1	<u>1</u>
WAIVER FORM	<u>1</u>
MCF ISSUED	<u>1</u>
BY DPL	<u>FQW</u>
DATE	<u>6/21/05</u>

The Plaintiff, CTC Communications Corp. ("CTC"), by its attorneys COHN & DUSSI, LLC, as and for its Complaint herein alleges as follows:

**THE PARTIES**

1. The Plaintiff, CTC COMMUNICATIONS CORP. (hereinafter "Plaintiff"), is a corporation duly organized by law having a usual place of business at 220 Bear Hill Road, Waltham, Middlesex County, Massachusetts.
2. The Defendant, BROCKINGTON SECURITIES, INC. (hereinafter "Defendant"), is a corporation having a usual place of business at 490 Wheeler Road, Hauppauge, New York 11788.

**JURISDICTION**

3. This Court has jurisdiction over this claim under 28 U.S.C. Section 1331, as the Defendant's liability arises under a tariff filed with the Federal Communications Commission and Massachusetts Department of Telecommunications and Energy (hereinafter collectively the "F.C.C.").

**COUNT I**  
**(for Services Rendered)**

4. The Plaintiff reavers, realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 3 above with the same full force and effect as if expressly set forth herein.
5. The Defendant owes the Plaintiff the total sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61) for services rendered by the Plaintiff to the Defendant together with interest thereon from November 10, 2004, on or before which date demand for payment was duly made, plus costs.

**COUNT II**  
**(for Unjust Enrichment)**

6. The Plaintiff reavers, realleges and incorporates herein by reference the allegations contained in paragraphs 1 through 5 above.
7. The Plaintiff provided telephone services to the Defendant for an agreed upon price, and the Defendant has failed, refused, neglected and continues to refuse to make payment to the Plaintiff in consideration for the services provided by Plaintiff to the Defendant.
8. As a result of the foregoing, the Defendant has been unjustly enriched in the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61), which sum the Plaintiff is entitled to recover.
9. As a result of this unjust enrichment, the Defendant owes the Plaintiff the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61).

**COUNT III**  
**(Account Annexed)**

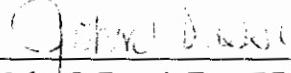
10. The Plaintiff reavers, realleges and incorporates herein by reference the allegations contained in paragraphs 1 through 9 above with the same full force and effect as if expressly set forth herein.
11. The Defendant owes to the Plaintiff the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61), plus interest from November 10, 2004, on or before which date demand for payment was duly made, and costs pursuant to the account annexed hereto as Exhibit "A" and incorporated herein by reference.

**WHEREFORE**, the Plaintiff, CTC Communications, prays that Judgment enter as follows:

1. Enter judgment against the Defendant, Brockington Securities, Inc., and in favor of the Plaintiff, in the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61), together with interest from November 10, 2004 on or before which date demand for payment was duly made;
2. Award the Plaintiff, CTC Communications, its costs and disbursements for prosecuting this action, in connection with the Defendant, Brockington Securities, Inc.; and
3. Grant the Plaintiff, CTC Communications, such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,  
CTC Communications Corp.,  
By its attorneys,  
Cohn & Dussi, LLC,

Date: 6/15/05

  
John J. Dussi, Esq. BBO# 546355  
COHN & DUSSI, LLC  
25 Burlington Mall Road, 6<sup>th</sup> Floor  
Burlington, MA 01803  
(781) 494-0200

# **EXHIBIT “A”**

Acct #

**1089006****Brockington Securities Inc.**

490 Wheeler road  
Hauppauge NY 11788

**billing address if  
different:**

**Contacts:** Robert DeVecchio      **631 234 0303**

**Services:** Local ON & OFF NET

**Amt Due:** **\$12,134.61**

**SOA**

Period	Description	Billing	Payments	Adjustments	Balance Fwd
Oct-98	OCT BILLING SUMMARY	833.96	0.00	0.00	833.96
Nov-98	NOV BILLING SUMMARY	1,110.24	833.96	0.00	1,110.24
Dec-98	DEC BILLING SUMMARY	1,177.70	1,110.24	0.00	1,177.70
Jan-99	JAN BILLING SUMMARY	941.17	1,177.70	0.00	941.17
Feb-99	FEB BILLING SUMMARY	813.95	1,755.12	0.00	0.00
Mar-99	MAR BILLING SUMMARY	1,393.30	0.00	0.00	1,393.30
Apr-99	APR BILLING SUMMARY	1,888.85	1,393.30	19.13	1,869.72
May-99	MAY BILLING SUMMARY	1,394.92	3,282.15	0.00	-17.51
Jun-99	JUN BILLING SUMMARY	1,678.38	1,678.38	0.00	-17.51
Jul-99	JUL BILLING SUMMARY	1,480.56	1,463.05	0.00	0.00
Aug-99	AUG BILLING SUMMARY	1,662.94	0.00	0.00	1,662.94
Sep-99	SEP BILLING SUMMARY	1,125.17	1,662.94	0.00	1,125.17
Oct-99	OCT BILLING SUMMARY	859.02	1,125.17	0.00	859.02
Nov-99	NOV BILLING SUMMARY	851.20	859.02	0.00	851.20
Dec-99	DEC BILLING SUMMARY	874.33	851.20	0.00	874.33
Jan-00	JAN BILLING SUMMARY	856.39	1,730.72	0.00	0.00
Feb-00	FEB BILLING SUMMARY	573.56	573.56	0.00	0.00
Mar-00	MAR BILLING SUMMARY	-340.60	0.00	0.00	-340.60
Apr-00	APR BILLING SUMMARY	1,632.56	0.00	0.00	1,291.96
May-00	MAY BILLING SUMMARY	745.66	1,291.96	4.59	741.07
Jun-00	JUN BILLING SUMMARY	466.83	745.66	28.54	433.70
Jul-00	JUL BILLING SUMMARY	3,267.03	1,733.86	0.00	1,966.87
Aug-00	AUG BILLING SUMMARY	1,255.98	0.00	0.00	3,222.85
Sep-00	SEP BILLING SUMMARY	1,116.11	2,000.00	0.00	2,338.96
Oct-00	OCT BILLING SUMMARY	990.88	1,116.11	0.00	2,213.73
Nov-00	NOV BILLING SUMMARY	2,496.54	990.88	438.67	3,280.72
Dec-00	DEC BILLING SUMMARY	1,805.81	2,762.60	0.00	2,323.93
Jan-01	JAN BILLING SUMMARY	1,597.03	0.00	0.00	3,920.96
Feb-01	FEB BILLING SUMMARY	1,491.46	0.00	0.00	5,412.42
Mar-01	MAR BILLING SUMMARY	1,809.13	4,291.46	0.00	2,930.09
Apr-01	APR BILLING SUMMARY	1,635.40	1,551.09	0.00	3,014.40
May-01	MAY BILLING SUMMARY	1,674.03	2,500.00	0.00	2,188.43
Jun-01	JUN BILLING SUMMARY	1,852.21	0.00	11.05	4,029.59
Jul-01	JUL BILLING SUMMARY	1,823.31	3,000.00	0.00	2,852.90
Aug-01	AUG BILLING SUMMARY	1,933.63	4,878.31	0.00	-91.78

Sep-01	SEP BILLING SUMMARY		1,734.53	2	.58	0.00	-754.83
Oct-01	OCT BILLING SUMMARY		1,851.56		0.00	6.30	1,090.43
Nov-01	NOV BILLING SUMMARY		1,849.17		1,090.43	0.00	1,849.17
Dec-01	DEC BILLING SUMMARY		2,031.85		1,900.00	0.00	1,981.02
Jan-02	JAN BILLING SUMMARY		2,025.51		0.00	0.00	4,006.53
Feb-02	FEB BILLING SUMMARY		1,796.56		2,999.58	0.00	2,803.51
Mar-02	MAR BILLING SUMMARY		1,759.62		0.00	2.79	4,560.34
Apr-02	APR BILLING SUMMARY		1,694.77		2,557.36	0.00	3,697.75
May-02	MAY BILLING SUMMARY		1,767.54		1,000.00	0.00	4,465.29
Jun-02	JUN BILLING SUMMARY		1,681.46		2,400.00	0.00	3,746.75
Jul-02	JUL BILLING SUMMARY		1,677.60		0.00	503.33	4,921.02
Aug-02	AUG BILLING SUMMARY		1,540.01		0.00	504.56	5,956.47
Sep-02	SEP BILLING SUMMARY		1,773.06		1,500.00	0.00	6,229.53
Oct-02	OCT BILLING SUMMARY		1,662.40		0.00	0.00	7,891.93
Nov-02	NOV BILLING SUMMARY		1,565.34		0.00	0.00	9,457.27
Dec-02	DEC BILLING SUMMARY		1,583.90		0.00	474.80	10,566.37
Jan-03	JAN BILLING SUMMARY		579.17		0.00	502.16	10,643.38
Feb-03	FEB BILLING SUMMARY		217.12		0.00	108.26	10,752.24
Mar-03	MAR BILLING SUMMARY		670.83		0.00	0.51	11,422.56
Apr-03	APR BILLING SUMMARY		131.68		0.00	0.00	11,554.24
May-03	MAY BILLING SUMMARY		134.39		0.00	0.00	11,688.63
Jun-03	JUN BILLING SUMMARY		142.78		0.00	0.00	11,831.41
Jul-03	JUL BILLING SUMMARY		144.59		0.00	0.00	11,976.00
Aug-03	AUG BILLING SUMMARY		146.52		0.00	0.00	12,122.52
Sep-03	SEP BILLING SUMMARY		1.24		0.00	0.00	12,123.76
Oct-03	OCT BILLING SUMMARY		0.00		0.00	0.00	12,123.76
Nov-03	NOV BILLING SUMMARY		0.00		0.00	0.00	12,123.76
Dec-03	DEC BILLING SUMMARY		0.00		0.00	0.00	12,123.76
Jan-04	JAN BILLING SUMMARY		0.00		0.00	0.00	12,123.76
Feb-04	FEB BILLING SUMMARY		0.00		0.00	0.00	12,123.76
Mar-04	MAR BILLING SUMMARY		0.00		0.00	0.00	12,123.76
Apr-04	APR BILLING SUMMARY		0.00		0.00	0.00	12,123.76
May-04	MAY BILLING SUMMARY		5.85		0.00	0.00	12,129.61
Jun-04	JUN BILLING SUMMARY		5.00		0.00	0.00	12,134.61

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

CTC Communications Corp.

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

John J. O'Neil, Esq., P.C.  
John J. O'Neil, Esq., P.C.  
John J. O'Neil, Esq., P.C.  
John J. O'Neil, Esq., P.C.**DEFENDANTS**

Plankinton Properties Inc.

County of Residence of First Listed Defendant \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE PROPERTY INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties Below)         |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 161 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 165 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRIISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS				
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: Money loaned for telephone service rendered, (inj. of interest and account connected)

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE